

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROBERT W. NORTH,

Plaintiff,

– *against* –

CELSIUS NETWORK LLC,

Defendant.

ORDER

22 Civ. 8825 (ER)

Ramos, D.J.:

Robert North brought this action against Celsius Network LLC. The action was commenced on October 14, 2022. Doc. 1. An electronic summons was issued as to Celsius Network LLC on October 26, 2022. Doc. 4. On October 12, 2023, the Court instructed North to submit a status letter by November 2, 2023, and warned North that failure to do so may result in dismissal for failure to prosecute pursuant to Fed. R. Civ. P. 4(b). Additionally, the Court reminded North that “[i]f a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—*must* dismiss the action without prejudice against that defendant or order that service be made within a specified time.” Fed. R. Civ. P. 4(m) (emphasis added). Doc. 6. On November 3, 2023, the Court dismissed North’s action without prejudice. Doc. 7. Later on the same day, the Court received a letter from North, dated October 25, 2023, stating that “no action has been taken” and requesting that the \$6000 he gave to Celsius Network LLC be returned. Doc. 8. On November 21, 2023, the Court received a second letter from North asking for the Court to reconsider his case.

The Court declines to reconsider or reopen this case. Over a year after this action was commenced, Celsius Network LLC has still not been served. Therefore, pursuant to Federal Rule of Civil Procedure 4(m), this action should have, and continues to be, dismissed.

The Court notes that there is an ongoing criminal trial in the Southern District of New York against the owner of the Celsius Network LLC, *United States v. Mashinsky*, the docket number 23-cr-00347. The Southern District of New York has a Victim and Witness Unit that makes sure crime victims are notified of important stages of criminal cases. The Victim and Witness Unit can help refer victims to other agencies that provide important services, including victim compensation and court-ordered restitution. The Court respectfully suggests that North contact the Victim and Witness Unit to see if they can refer him to appropriate services in connection with the criminal trial against Celsius Network LLC's owner, *United States v. Mashinsky*. The number to reach the Victim and Witness Unit is 1-866-874-8900.

It is SO ORDERED.

Dated: November 29, 2023
New York, New York

A handwritten signature in blue ink, appearing to read 'Edgardo Ramos', is written above a horizontal line.

Edgardo Ramos, U.S.D.J.